

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

J.P.,

Plaintiff,

v.

**ARCHDIOCESE OF PORTLAND IN
OREGON & ROMAN CATHOLIC
ARCHBISHOP OF PORTLAND IN
OREGON AND SUCCESSORS, d/b/a
ARCHDIOCESE OF PORTLAND IN
OREGON,**

Defendants.

Case No. 3:21-1397-JR

ORDER

Michael H. Simon, District Judge.

United States Magistrate Judge Jolie A. Russo issued Findings and Recommendation in this case on May 23, 2023. Judge Russo recommended that this Court grant Defendant Archdiocese’s motion for settlement, ECF 35, and deny all other pending motions as moot. No party has filed objections.

Under the Federal Magistrates Act (Act), the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s findings and recommendations, “the court

shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review *de novo* magistrate judge’s findings and recommendations if objection is made, “but not otherwise”).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate judge’s findings and recommendations for “clear error on the face of the record.” No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Judge Russo’s F&R for clear error on the face of the record. No such error is apparent.

The Court ADOPTS Judge Russo’s Findings & Recommendation (ECF 37). The Court GRANTS the Archdiocese’s motion for settlement (ECF 35) and approves a payment to Plaintiff J.P. in the amount of \$225,000. The Court DENIES all other pending motions as moot. The parties shall submit a judgment for the Court’s approval within fourteen (14) days of this Order.

IT IS SO ORDERED.

DATED this 24th day of July, 2023.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge